

Guest Article from Florida's Attorney General



*Bill
McCollum*

PBA Powell Case

Recently, my office obtained a significant victory for law enforcement and the safety of our citizens. The Attorney General's Office represented Florida in a Miranda rights case before the United States Supreme Court and won the case in a 7-2 decision. The case, Florida v. Powell, concerned a defendant's claim that when he was arrested by Tampa police in 2004, the officers did not adequately convey his right to counsel. A Hillsborough County Circuit Judge denied **Kevin Powell's** motion to suppress his confession, but the Florida Supreme Court reversed in the defendant's favor, ruling the right to counsel warning was not explicit enough.

As courts have recognized, Miranda rights warnings should promote voluntary confessions which are important to seeking the truth and solving crimes. Law enforcement officers should not be put at an unfair disadvantage when trying to protect the public and secure justice. Florida v. Powell addressed whether a right to counsel warning that is reasonably conveyed to the defendant is sufficient, rather than requiring a

hyper-technical reading of the Miranda rights warning.

In February, the Supreme Court ruled in Florida's favor, finding the Tampa police adequately informed the defendant of his Miranda rights. Not only will Kevin Powell likely remain in prison, but – importantly – this ruling affects written warnings as well as verbal warnings, current and future and will help protect confessions obtained by law enforcement in similar cases. It was necessary for the U.S. Supreme Court to correct the Florida court and those who may follow its example by misapplying federal law, establishing new rules, discarding valid confessions, and overturning determined convictions.

Law enforcement officers play an important role in keeping our streets and neighborhoods safe. I am honored the Attorney General's Office was able to protect the work of Florida's law enforcement. I'm proud of the job Florida's law enforcement officers do, and this Supreme Court ruling provides an opportunity for their work to pay off in convictions that make Florida a safer place. ■

Guest Article from Florida's Agriculture and Consumer Services Commissioner



*Charles H.
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Accreditation and Professionalism

In my travels around the state, I have had an opportunity to observe a number of police vehicles. Often, the agency's slogan or motto is printed on the vehicle. When this occurs, the word "professionalism" frequently appears. This is no accident – as the field of law enforcement continues its progression in the public eye from a "job" to a profession, ideas such as professionalism and accountability take center stage. Professionalism as a concept, though, is hard to measure – we can count arrest statistics and crime statistics, but quantifying professionalism is a challenge!

The law enforcement accreditation process, thankfully, helps us to measure professionalism in a meaningful way. Our own Office of Agricultural Law Enforcement was recognized as an accredited agency through the Commission for Florida Law Enforcement Accreditation (CFA) in 2007. In April, 2010, the Office was re-evaluated for renewal of our accredited status. As part of the process, every aspect of the Office's business functions was evaluated by representatives from CFA and compared with the established best practices outlined in over 200 accreditation standards. More than just an office visit, assessors visited our field locations, spoke with our sworn and civilian personnel, and observed our interactions with the public.

The true measure of professionalism of an agency is often where the boots meet the ground – policy can be set, but if it is not efficient and it is not practiced, it will not be effective. Assessors are very alert to this situation as they are conducting their inspections, and it is a significant honor to have the hard work and dedication of our employees recognized and commended by professionals trained to evaluate compliance with industry standards.

In our modern environment, marketing law enforcement success to the public is a staggering undertaking. One viral cell-phone video taken out of context on the news, and the goodwill we have worked so

hard to establish can be threatened. Given this, it is nice to have police successes publicized as well. The accreditation process serves this purpose – an assessor once said to me, "We're not here to catch you doing wrong, we'd like to catch you doing right."

While there are certainly benefits to the agency, this dedication to professionalism through accreditation carries several benefits to the officers, as well. Accredited agencies are required to ensure that officers are properly trained, from the day they begin a career with a police agency. Accreditation requires agencies to institute processes for fair hiring and discipline, to maintain policies and procedures to make certain that officers have guidelines so they know what to do in various situations, and to provide certain equipment standards. Accredited agencies have standards for processing and storage of property and evidence, guaranteeing that cases will be preserved properly for court. Failure on the part of an agency to meet these standards can result in the public removal of accredited status.

The situation is unique for our Office, as our law enforcement mission is different from a traditional agency. This requires a different approach to policies and procedures, and a special touch when dealing with members of the public. Despite the challenges unique to our agency, the CFA assessors truly caught our staff doing right! After visiting our Bureau of Uniform Services interdiction stations on I-10, I-75, and I-95, as well as our Bureau of Investigative Services offices in Nassau County, White Springs, and Tallahassee, the assessors were amazed at the variety of situations that our employees handled. Throughout the visit, they were very impressed with our quality of service, and the skills and knowledge of our staff. Accreditation and professionalism go hand-in-hand. As Commissioner of the Department of Agriculture and Consumer Services, I am extremely proud of the performance of our field staff! ■

I would like to thank the Police Benevolent Association for inviting me to write a guest column for your fine organization. My roots in law enforcement extend back many years. I served as a Metro Dade County reserve deputy in the late 1970's and continued to support law enforcement issues as a state senator. Specifically, I supported bills increasing benefits for police officers such as the presumption bills and pay increases. I sponsored legislation allowing for a deputy sheriff to hold active their law enforcement certificate if they held elected office; co-sponsored legislation expanding the rights of officers during internal review investigations; sponsored legislation enhancing the penalty of using a police scanner to avoid detection during a crime or for impersonating an officer; and cosponsored legislation enhancing retirement benefits based on prior service.

